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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

GUATEMALA

1. The Committee considered the second periodic report of Guatemala (CRC/C/65/Add.10), submitted on 7 October 1998, at its 707th and 708th meetings (CRC/C/SR.707 and 708), held on 29 May 2001, and adopted, at the 721st meeting, held on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and of the written replies to its list of issues (CRC/C/Q/GUA.2). It further notes with appreciation the high-ranking delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with satisfaction that for the preparation of the second periodic report the State party carried out a consultative process with representatives of civil society, including non-governmental organizations.

4. The development of a Master Plan of Operations for 1997-2001 by the SEGEPLAN (the National Economic Planning Council of the Guatemalan Government) and UNICEF in order to support and implement activities to improve the living conditions of women and children is welcomed by the Committee.

5. In the light of its previous recommendation (CRC/C/15/Add.58, para. 33), the Committee welcomes the creation of a National Commission against Child Abuse (CONACMI) and the holding of two National Campaigns against Child Abuse in 1996 and 1998.

6. The Committee welcomes the establishment of the Advisory Committee on Educational Reform for the modification of curriculum content to help eradicate stereotypes and discrimination based on sex, ethnic and social origin, or poverty, and the programme for girls, linked to the National System for the Improvement of Human Resources and Curricula established by the Ministry of Education to develop a gender methodology and an intercultural approach in curricula, textbooks and educational material, as follow-up measures to its previous recommendation in that domain (ibid., para. 30).

7. The Committee notes with interest the Education Programme for Working Children and Adolescents (PENNAT) to assist children who work in markets, parks and the streets in both urban and rural areas.

8. The Committee welcomes the initiative taken by those working in the juvenile justice system to develop unified criteria to be applied in the administration of juvenile justice in the absence of a common system. It further welcomes the implementation in 2000 of a Programme on Probation as a follow-up measure to its recommendation in this regard (ibid., para. 40).

C. Factors and difficulties impeding progress in the implementation of the Convention

9. The Committee, while noting significant progress since the signing of the final peace agreement on 29 December 1996, is concerned that the State party still faces many difficulties in the implementation of the Convention, due in particular to the legacy of poverty and authoritarian rule, as well as to human rights violations and impunity resulting from more than 30 years of armed conflict. Of particular concern to the Committee is the recent information that there are signs that the human rights situation is deteriorating. It also notes the serious economic and social disparities affecting most of the population, in particular indigenous people.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

10. The Committee is deeply concerned that the entry into force of the Children and Adolescent Code of 1996 was postponed several times and, on 24 February 2000, was suspended indefinitely by Congress Decree No. 4-2000. Concern is also expressed that some of the

provisions of a new draft Children's Code introduced in Congress in October 2000 are not in conformity with the Guatemalan Constitution and the Convention, as the Government itself noted in its written response to the list of issues. The Committee is encouraged that according to information provided during the dialogue with the State party delegation the Congress and civil society are engaged in negotiations and discussions about the drafting of a Children's Code which is in conformity with the Constitution and the Convention.

11. The Committee, in line with its previous recommendation (ibid., para. 25), strongly recommends that the State party support as much as possible the process to draft a new Children and Adolescent Code that is in full conformity with the principles and provisions of the Convention, expedite its approval by Congress, and ensure its enactment and full implementation as soon as possible. This new code should make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, and should therefore not be based on the doctrine of "irregular situation".

Coordination

12. The Committee is concerned at the inadequate coordination within government agencies, both at the national and local levels, as well as between government agencies and non-governmental organizations working in the field of children's rights. Further, it notes with concern that the bodies designated to carry out these tasks, i.e. the National Children's Council at national level and the departmental and municipal Children's Councils at the local level, were not established because the Children and Adolescent Code did not enter into force. It is also noted that another coordinating body, the Commission for the Convention on the Rights of the Child (PRODEN), had to scale down its activities due to a cut in its resources.

13. The Committee reiterates its previous recommendation to the State party for a permanent and multidisciplinary mechanism to be developed for coordinating and implementing the Convention at the national and local levels, including the establishment of various mechanisms at all levels to ensure the effective decentralization of the implementation of the Convention, and for the promotion of close cooperation with non-governmental organizations (ibid., para. 27). Further, it recommends the allocation of adequate financial and human resources to existing bodies working in the field of children's rights.

Allocations of budgetary resources

14. While noting the information that there has been an increase in budgetary allocations for children, the Committee nevertheless reiterates its concern that these allocations are not sufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between the regions and rural/urban areas with respect to services provided to children (ibid., para. 31). Further, it notes with deep concern that, according to data provided in the State party's report, 88.9 per cent of the population aged between 0 and 14 live in a state of poverty.

15. In light of article 4 of the Convention, the Committee encourages the State party to strengthen its efforts to reduce poverty among children and to identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation" for the full implementation of the economic, social and cultural rights of children, in particular with respect to local governments and for children belonging to the most vulnerable groups in society. It further recommends that the State party identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children. The State party is encouraged to seek international cooperation and technical assistance in this regard.

Data collection

16. The Committee notes that measures were taken by the State party in line with its recommendation (ibid., para. 28), such as the establishment of a social indicator system in the National Statistical Institute and the conducting of the National Survey on Maternal and Child Health in 1999. It nevertheless expresses its concern that the collection of data is still focused on health and education and does not include all areas covered by the Convention.

17. The Committee recommends that the State party continue to develop a system to collect data and indicators reflecting the provisions of the Convention, disaggregated by gender, age, indigenous and minority groups, urban or rural area. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children belonging to indigenous groups; child victims of abuse, neglect, or ill-treatment; children with disabilities; children who are displaced; children in conflict with the law; children who work; children who are sexually exploited for commercial purposes; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination and training

18. The Committee recognizes that material on the promotion of human rights was disseminated by both governmental agencies and non-governmental organizations, but it notes that these measures need to be strengthened, in particular in rural areas and among indigenous children.

19. The Committee recommends that the State party increase its efforts to translate informative material into the main indigenous languages and that it develop more creative methods to promote the Convention, including through audio-visual aids such as picture books and posters, in particular at the local level. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the

Convention into the curricula at all levels of the educational system. It is suggested that the State party seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

Civil society

20. The Committee, while noticing examples of collaboration between governmental institutions and non-governmental organizations, such as within PRODEN, it nevertheless notes that cooperation with non-governmental organizations should be further promoted and reinforced. Concern is also expressed that some non-governmental organizations working with children have lately been subjected to threats and assaults.

21. The Committee reiterates its recommendation (ibid., para. 27) to encourage the promotion of closer cooperation with non-governmental organizations for the coordination and implementation of the Convention at the national and local levels and in urban and rural areas. It strongly recommends that the State party effectively investigate and prosecute cases of threats and assaults against non-governmental organizations working with and for children and take the necessary measures to prevent such actions.

2. Definition of the child

22. The Committee reiterates its concern about the disparity between the legal minimum age for admission to employment (14 years) and the age for the end of compulsory education (15 years). Further, it notes that, in line with its recommendation (ibid., para. 26), a proposal to set the minimum legal age for marriage for both boys and girls at 16 was introduced in Congress but was never considered.

23. In light of articles 1 and 2 and other related provisions of the Convention, the Committee reiterates its recommendation that the State party pursue its efforts to review its legislation with a view to increasing the minimum age of marriage for girls to that for boys in order to bring it into full conformity with the provisions and principles of the Convention. It further recommends that the State party redefine the minimum age for admission to employment so that it corresponds to the age at which compulsory education ends.

3. General principles

24. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

25. The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an

impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health and welfare institutions, courts of law and administrative authorities.

Non-discrimination

26. The Committee is concerned that the principle of non-discrimination (art. 2) is not fully implemented for children belonging to indigenous groups, urban and rural poor children, girls, children with disabilities and displaced children especially with regard to their access to adequate health and educational facilities.

27. The Committee recommends that the State party take all the necessary measures to end discrimination. In this respect, the State party is encouraged to monitor discrimination against children, in particular those belonging to the above-mentioned vulnerable groups, and to develop, on the basis of the results of such monitoring, comprehensive strategies for implementing specific and well-targeted actions aimed at ending all forms of discrimination.

4. Civil rights and freedoms

Birth registration

28. The Committee notes with concern that a large number of children, in particular girls in rural and poor urban areas, are not registered because of distance from registry offices or because parents are unaware of the importance of the procedure for birth registration.

29. In light of article 7 of the Convention, the Committee recommends that the State party develop more widespread awareness among the population of the importance of birth registration and improve the registration system so that it reaches all people, in particular those in rural areas.

Torture, or other cruel, inhuman or degrading treatment or punishment

30. The Committee is deeply disturbed by information that violence against children is increasing. In particular, it notes with great concern that many children fear for their lives because they are continually threatened and are victims of violence, notably when they are living and/or working in the street but also when they are at home. Of particular concern to the Committee is the alleged involvement of the State Civil Police in some of the alleged cases of violence and the lack of proper investigation of these cases by Guatemalan authorities.

31. The Committee recommends that the State party take, as a matter of the highest priority, all the necessary steps to prevent these serious violations of children's rights and to ensure that they are properly investigated and that those responsible are brought to justice. In light of article 39, the Committee also invites the State party to take all appropriate measures to ensure the physical and psychological recovery and social reintegration of child victims of torture and/or ill-treatment and to provide adequate compensation. The State party is invited to seek international cooperation in this regard.

5. Family environment and alternative care

Parental responsibilities

32. The development of initiatives such as the Plan of Action for Social Development and Peacebuilding 1996-2000, which had among its priorities the strengthening of the family, schooling for parents and the Comprehensive Care Programme for Children under Six (PAIN), are positive measures in line with the Committee's recommendation (ibid., para. 38). The Committee is, however, concerned that such programmes have had little impact in view of the number of children and parents who need this support.

33. In light of article 18 of the Convention, the Committee reiterates its recommendation that the State party improve social assistance to families to help them with their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care. The Committee recommends that the State party seek international assistance from, among others, UNICEF.

Adoption

34. The Committee notes with deep concern that there was no follow-up to its recommendations (ibid., para. 34) to introduce measures to monitor and supervise the system of adoption effectively and to consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Concern is expressed at the extremely high rates of intercountry adoptions, at adoption procedures not requiring authorization by competent authorities, at the absence of follow-up and, in particular, at reported information on sale and trafficking in children for intercountry adoptions. It is also noted that several drafts of adoption laws have been pending in Congress but never adopted.

35. In light of article 21 of the Convention and in line with the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/2000/73/Add.2) and of the United Nations Verification Mission in Guatemala (MINUGUA), the Committee strongly recommends that the State party suspend adoptions in order to take the adequate legislative and institutional measures to prevent the sale and trafficking of children and to establish an adoption procedure which is in full compliance with the principles and provisions of the Convention. It further reiterates its recommendation to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse and neglect

36. The adoption of the Act on the Prevention, Punishment and Eradication of Domestic Violence in 1996, the creation of CONACMI and the conducting of national campaigns against child abuse are positive measures in line with the Committee's recommendation (ibid., para. 33).

However, concern is expressed at the lack of data and appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child physical and sexual abuse, and neglect and at the limited number of services for abused children, in particular in rural areas.

37. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the extent, scope and nature of these practices, adopt and effectively implement adequate measures and policies, and encourage changes in attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention. The Committee recommends that the State party seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Children with disabilities

38. The Committee, while taking note of the Act on the Provision of Services for Persons with Disabilities of 1996 and the establishment of a National Network for Support to Disabled Persons which has also established departmental links in the interior of the country, is nevertheless concerned that discrimination against children with disabilities still occurs and that parents are often unaware of their children's rights. Further, it is concerned about the huge number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for these children.

39. In light of article 23 of the Convention, the Committee recommends that the State party undertake measures to ensure that the situation of children with disabilities is monitored in order to effectively assess their situation and needs, and to conduct public awareness campaigns in all languages, in particular indigenous ones, to raise awareness of the situation and rights of children with disabilities. It further recommends that the State party allocate the necessary resources for programmes and facilities for all children with disabilities, especially those living in rural areas, and develop community-based programmes to enable them to stay at home with their families. Also, support programmes for parents of children with disabilities are recommended, including counselling and, when necessary, financial assistance. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on

"The rights of children with disabilities" (see CRC/C/69), it is also reiterated (ibid., para. 38) that the State party should further encourage the integration of disabled children into the regular educational system and their inclusion in society, including by providing special training to teachers and by making schools more accessible. The Committee recommends that the State party seek technical assistance from, among others, WHO.

Health and health services

40. Measures such as the launching of a Comprehensive Health Care System (SIAS), the Friendly Hospitals initiative, a national plan for the reduction of maternal and perinatal mortality and a national mother and child programme are positive steps. However, the Committee is concerned that the health standard of the children living in Guatemala, especially children living in the rural areas and in poor urban areas, is inadequate. It notes in particular the high infant mortality rates due, inter alia, to nutritional deficiencies, lack of sanitation facilities and limited access to preventive and curative health services, with wide differences between urban and rural areas and between the different ethnic groups; the Committee also notes the high maternal mortality rates, due largely to a high incidence of illegal abortion.

41. In light of article 24 of the Convention, the Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary-level care and decentralizing the health-care system. In particular, to prevent child mortality and morbidity and to address the high maternal mortality rate, the Committee recommends the provision of adequate antenatal and postnatal health-care services and the development of campaigns to provide parents with basic knowledge about child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health. The Committee encourages the State party to look to international cooperation for the full and efficient implementation of the immunization programme. Further, it recommends to the State party to seek technical assistance from, among others, WHO, UNICEF and UNFPA.

Malnutrition

42. The Committee notes that the State party has implemented a number of food and nutrition programmes for children in schools such as the "Happy Heart" programme, as also recommended (ibid., para. 36). However, by noting the high rates of both chronic and severe malnutrition still affecting in particular children under five in rural areas, especially those belonging to indigenous groups, the Committee expresses its deep concern that there are no governmental policies to reduce and combat malnutrition among babies and children under five.

43. The Committee reiterates its recommendation that the State party develop a comprehensive nutritional programme in order to prevent and combat malnutrition, in particular among children under five (ibid., para. 36), and assess the impact of the programme on those affected, with a view eventually to improving its effectiveness. The Committee recommends that the State party seek international cooperation from, among others, UNICEF and WHO.

Adolescent health

44. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and youths using drugs, the increase in cases of sexually transmitted diseases (STDs), in particular syphilis, and the growing number of cases of HIV/AIDS among youths. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, and the lack of sufficient prevention and information programmes in schools, especially on reproductive health.

45. The Committee recommends that the State party increase its efforts to promote adolescent health policies, including mental health, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of STDs and HIV/AIDS, in order to be able to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child. The Committee encourages the State party to seek additional technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

7. Education, leisure and cultural activities

Education

46. While noting with appreciation the number of national efforts undertaken to extend the coverage and improve the quality of the school system, particularly at the pre-school and primary levels and with special attention paid to girls, the Committee is nevertheless concerned about the high repetition and drop-out rates, the high pupil-teacher ratio and the high incidence of absenteeism, truancy and over-age pupils. Further, it notes with concern that bilingual education is offered only in a limited number of indigenous languages and only at pre-school level and in the first three grades of primary schooling.

47. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party undertake appropriate measures to increase budgetary allocations for education, ensure regular attendance at schools and the reduction of drop-out rates, and strengthen the quality of education in order to achieve the goals stated in article 29.1, in line with the Committee's General Comment No. 1 on the aims of education (CRC/C/GC/2001/1). It also reiterates its recommendation (ibid., para. 37) that the State party should continue to strengthen the teacher training programme in order to increase the number of trained teachers and improve the quality of teaching and the bilingual education programme. In this respect, the Committee encourages the State party to seek additional technical cooperation from, among others, UNESCO and UNICEF.

8. Special protection measures

Children affected by armed conflict

48. The Committee notes that the State party launched an action plan for the psychological rehabilitation of children affected by the armed conflict based on a preventive programme with community participation, as previously recommended by the Committee (ibid., para. 39). However, it expresses its concern at the lack of professional staff prepared to work in these communities and at the insufficient number of services to meet demand. It also notes with concern that a large number of children were internally displaced or forcibly disappeared during the armed conflict and that the State party did not investigate these disappearances effectively.

49. In light of article 39 of the Convention, the Committee recommends that the State party consider complying with the recommendations of the Truth Commission regarding a national reparation programme that would also include children affected by the internal armed conflict, and that it effectively investigate all cases of children who were forcibly disappeared by allocating human and financial resources to and cooperating with the National Commission for Searching for Disappeared Children. Further, the Committee recommends that the State party strengthen its efforts to implement the Programme to Support Resettlement of Displaced Groups and to ensure adequate protection to internally displaced children, paying special attention to the problem of lack of identification papers. The Committee encourages the State party to continue its international cooperation programmes with, among others, UNDP, UNHCR and UNCHS (Habitat).

Economic exploitation

50. With regard to its recommendation on child labour (ibid., para. 39), the Committee takes note of the measures taken by the State party such as the signing in 1996 of a memorandum of understanding with ILO for the adoption of the International Programme on the Elimination of Child Labour (IPEC). However, it expresses its deep concern at the large number of children who are still exploited economically, in particular those under 14 years of age.

51. In light of article 32 of the Convention and in line with its previous recommendation (ibid., para. 41), the Committee reiterates that the State party should continue to enforce and strengthen its legislation protecting working children and to combat and eradicate as effectively as possible all forms of child labour, in cooperation with ILO/IPEC.

Sexual exploitation

52. While noting that the National Plan against Sexual and Commercial Exploitation is in the final stages of elaboration, the Committee expresses its deep concern that, with regard to the increasing phenomenon of commercial sexual exploitation of children, in particular girls, there are no data available, legislation is inadequate, cases involving sexually exploited children are often not investigated and prosecuted, and no rehabilitation programmes are available.

53. In light of article 34 of the Convention and in line with the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/2000/73/Add.2), the Committee recommends that the State party expedite the

adoption of the National Plan against Sexual and Commercial Exploitation, taking into account the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children and undertake a study on this issue in order to understand its scope and causes, to enable effective monitoring of the problem and to develop the necessary measures and programmes to prevent, combat and eliminate it. The Committee invites the State party to seek international cooperation in this regard.

Children living in the streets

54. The Committee expresses its concern at the significant number of children living in the streets and notes that assistance to these children is provided mainly by non-governmental organizations. In light of article 6 of the Convention, serious concern is expressed at allegations of rape, ill-treatment and torture, including murder for the purpose of "social cleansing", of children living in the streets.

55. The Committee recommends that the State party expedite the adoption of a National Plan for the Care of Street Children and ensure that children living in the streets are provided with nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development. Moreover, the State party should ensure that these children are provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families. The Committee encourages the State party to seek additional international cooperation from, among others, UNICEF and WHO.

Juvenile justice

56. The Committee expresses its serious concern that its previous recommendation encouraging the reform of the juvenile justice system to ensure its full compatibility with the principles and provisions of the Convention (CRC/C/15/Add.58, para. 40) has not yet been implemented because of the postponement of the entry into force of the Children and Adolescent Code of 1996. In particular, it reiterates its concern about the doctrine of "irregular situation" and notes that legal assistance for children is not mandatory and that the presence of a translator for indigenous children is not required. Concern is also expressed at the long periods of pre-trial detention and at poor conditions in detention centres, at the fact that children with no prior criminal record are held together with children with a criminal record and that inadequate education, rehabilitation and reintegration programmes are provided during the detention period.

57. In line with its own previous recommendation and with that of the Special Rapporteur on the independence of judges and lawyers (see E/CN.4/2000/61/Add.1), the Committee recommends that the State party continue reviewing its law and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and that it expedite the adoption of the Children and Adolescents Code of 1996

which guarantees due process of law for children and social and educational correctional measures. In particular, the Committee reminds the State party that juvenile offenders should be dealt with without delay, in order to avoid periods of incommunicado detention, and that pre-trial detention should be used only as a measure of last resort, should be as short as possible, and should be no longer than the period prescribed by law. Alternative measures to pre-trial detention should be used whenever possible.

58. With reference to children deprived of their liberty, the Committee recommends that the State party incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional Protocols

59. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of documentation

60. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and the written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.